

FIRST REGULAR SESSION

HOUSE BILL NO. 578

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LICHTENEGGER.

1028H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 650, RSMo, by adding thereto seven new sections relating to a sexual assault kit tracking system.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 650, RSMo, is amended by adding thereto seven new sections, to be known as sections 650.600, 650.602, 650.604, 650.606, 650.608, 650.610, and 650.612, to read as follows:

650.600. 1. The Missouri department of public safety shall establish and the Missouri state highway patrol shall be the administrator of a statewide sexual assault kit tracking system. The Missouri department of public safety may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

2. The statewide sexual assault kit tracking system shall:

(1) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at treatment facilities, receipt at law enforcement agencies, and receipt and analysis at forensic laboratories;

(2) Allow treatment facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, all state and local crime laboratories, and other entities in the custody of sexual assault kits to update and track the status and location of sexual assault kits;

(3) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (4) Use electronic technology or technologies allowing continuous access.

18 3. The Missouri department of public safety may phase initial participation
19 according to region, volume, or other appropriate classifications. All entities in the custody
20 of sexual assault kits shall fully participate in the system no later than July 1, 2019. The
21 Missouri department of public safety shall submit a report on the current status and plan
22 for launching the system, including the plan for phased implementation, to appropriate
23 legislative committees and the governor no later than January 1, 2019.

24 4. The Missouri department of public safety shall submit a semiannual report on
25 the statewide sexual assault kit tracking system to the appropriate legislative committees
26 and the governor. The report shall be made available to the public through the
27 department of public safety's internet website. The first report is due on July 1, 2019, and
28 subsequent reports are due January thirty-first and July thirty-first of each year. The
29 report shall include the following:

30 (1) The total number of sexual assault kits in the system statewide and by
31 jurisdiction;

32 (2) The total and semiannual number of sexual assault kits where forensic analysis
33 has been completed statewide and by jurisdiction;

34 (3) The number of sexual assault kits added to the system in the reporting period
35 statewide and by jurisdiction;

36 (4) The total and semiannual number of sexual assault kits where forensic analysis
37 has been requested but not completed statewide and by jurisdiction;

38 (5) The average and median length of time for sexual assault kits to be submitted
39 for forensic analysis after being added to the system, including separate sets of data for all
40 sexual assault kits in the system and statewide and by jurisdiction and for sexual assault
41 kits added to the system in the reporting period statewide and by jurisdiction;

42 (6) The average and median length of time for forensic analysis to be completed on
43 sexual assault kits after being submitted for analysis, including separate sets of data for all
44 sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits
45 added to the system in the reporting period statewide and by jurisdiction;

46 (7) The total number of sexual assault kits, statewide and by jurisdiction, where
47 forensic analysis has not been completed and six months or more have passed since such
48 sexual assault kits were added to the system; and

49 (8) The total number of sexual assault kits, statewide and by jurisdiction, where
50 forensic analysis has not been completed and one year or more has passed since such sexual
51 assault kits were added to the system.

52 **5. For the purpose of reports under subsection 4 of this section, a sexual assault kit**
53 **shall be assigned to the jurisdiction associated with the law enforcement agency anticipated**
54 **to receive the sexual assault kit or otherwise in the custody of the sexual assault kit.**

55 **6. Any public agency or entity, including its officials and employees, and any**
56 **hospital or treatment facility and its employees providing services to victims of sexual**
57 **assault shall not be held civilly liable for damages arising from any release of information**
58 **or the failure to release information related to the statewide sexual assault kit tracking**
59 **system so long as the release was without gross negligence.**

650.602. Local law enforcement agencies shall participate in the statewide sexual
2 **assault kit tracking system established in section 650.600 for the purpose of tracking the**
3 **status of all sexual assault kits in custody of local law enforcement agencies and other**
4 **entities contracting with local law enforcement agencies. Local law enforcement agencies**
5 **shall begin full participation in the system according to the implementation schedule**
6 **established by the department of public safety.**

650.604. A sheriff and his or her deputies shall participate in the statewide sexual
2 **assault kit tracking system established in section 650.600 for the purpose of tracking the**
3 **status of all sexual assault kits in the custody of the sheriff's department and other entities**
4 **contracting with such sheriff's department. A sheriff shall begin full participation in the**
5 **system according to the implementation schedule established by the department of public**
6 **safety.**

650.606. All state and local crime laboratories that perform DNA analysis shall
2 **participate in the statewide sexual assault kit tracking system established in section 650.600**
3 **for the purpose of tracking the status of all sexual assault kits in its custody and other**
4 **entities contracting with such crime laboratories. The crime laboratories shall begin full**
5 **participation in the system according to the implementation schedule established by the**
6 **department of public safety.**

650.608. Hospitals or other treatment facilities with staff performing sexual assault
2 **forensic examinations shall participate in the statewide sexual assault kit tracking system**
3 **established in section 650.600 for the purpose of tracking the status of all sexual assault kits**
4 **collected by or in the custody of hospitals or other treatment facilities contracting with**
5 **hospitals or other treatment facilities. Hospitals or other treatment facilities shall begin**
6 **full participation in the system according to the implementation schedule established by**
7 **the department of public safety.**

650.610. Prosecuting attorneys shall participate in the statewide sexual assault kit
2 **tracking system established in section 650.600 for the purpose of tracking the status of**
3 **sexual assault kits connected to criminal investigations and prosecutions within the county.**

4 Prosecuting attorneys shall begin full participation in the system according to the
5 implementation schedule established by the department of public safety.

650.612. The Missouri department of public safety shall promulgate rules to
2 implement the provisions of sections 650.600 to 650.612. Any rule or portion of a rule, as
3 that term is defined in section 536.010, that is created under the authority delegated in this
4 section shall become effective only if it complies with and is subject to all of the provisions
5 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
6 nonseverable, and if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
9 proposed or adopted after August 28, 2017, shall be invalid and void.

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